IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE J.CHELAMESWAR**

**AND**
**THE HON'BLE MR JUSTICE RAMESH RANGANATHAN**

**WRIT PETITION No.23868 OF 2005**

Between:

Mrs.Bharati, W/o.Late S.Nagaiah,

Aged 56 years, R/o.Hyderabad.

**..... PETITIONER**

AND

The Comptroller and

Auditor General of India,

New Delhi, and others.

**....RESPONDENTS**

**THE HON'BLE MR JUSTICE**

**J.CHELAMESWAR**

**AND**
**THE HON'BLE MR JUSTICE**

**RAMESH RANGANATHAN**

**WRIT PETITION No.23868 OF 2005**

**O R D E R**

**(Per Sri Justice J.Chelameswar)**

**Aggrieved by the order dated 21.04.2005 in O.A.No.1437 of 2002 passed by the Central Administrative Tribunal, Hyderabad, the unsuccessful applicant therein preferred the present writ petition**

**The petitioner's husband, who was an employee of the Union of India and a Member of the Indian Audit & Accounts Service, retired from service on 30.06.2002 on attaining the age of superannuation. It appears that for some time he worked in Delhi and at that point of time he was allotted an official residential quarter in Delhi in the year 1990. Subsequently, he was transferred to Hyderabad in the year 1994 and he was allotted an official residential quarter in Hyderabad. At the time of processing the retirement benefits of the petitioner's husband, an amount of Rs.4,14,751/- was deducted towards the licence fee from his retirement benefits for unauthorised occupation of the quarter at Delhi between the period February, 1990 to June, 2001 from his retirement benefits. It appears that subsequently, the petitioner's husband died and the petitioner approached the Tribunal by way of the above-mentioned O.A.**

**It further appears that there is a dispute with regard to allotment and vacation of the residential quarter at Delhi. From the order in the O.A. it appears that the petitioner's husband did not vacate the quarter immediately on his transfer, but he had to be evicted from the premises on 06.06.2001. It is on the basis of that finding and relying on the Judgment of the Supreme Court reported in UNION OF INDIA V/s. SH.RASILA RAM the Tribunal came to the conclusion that it had no jurisdiction to decide the matter.**

**We do not see any reason to interfere with the decision of the Tribunal. The writ petition is dismissed at the stage of admission itself.**

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**JUSTICE J.CHELAMESWAR**

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**JUSTICE RAMESH RANGANATHAN**

**8th NOVEMBER, 2005**

**PGS**

**THE HON'BLE MR JUSTICE**

**J.CHELAMESWAR**

**AND**
**THE HON'BLE MR JUSTICE**

**RAMESH RANGANATHAN**

**WRIT PETITION No.23868 OF 2005**

**(Per Sri Justice J.Chelameswar)**

**8TH NOVEMBER, 2005**